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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,975	04/02/2004	Narasimhan Sundararajan	MS#305305.01 (5228)	1693
38779 7590 05/23/2008 SENNIGER POWERS LLP (MSFT) ONE METROPOLITAN SQUARE, 16TH FLOOR ST. LOUIS, MO 63102				
EXAMINER SAN JUAN, MARTINERIKO P				
ART UNIT 2132		PAPER NUMBER		
NOTIFICATION DATE 05/23/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

Office Action Summary

Application No.

10/816,975

Applicant(s)

SUNDARARAJAN, NARASIMHAN

Examiner

MARTIN JERIKO P. SAN JUAN

Art Unit

2132

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8-13 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-13, and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a response to a Request for Continued Examination filed on April 18, 2008.

Claims 1-20 were originally pending.

Claims 1-20 were rejected on June 28, 2007.

Claims 1, 9, 17, and 20 have been amended. Claims 6 and 14 have been cancelled.

Claims 1-5, 7-13, and 15-20 were rejected on December 18, 2007

Claims 1, 9, 17, and 20 have been amended. Claims 7 and 15 have been cancelled.

Claims 1-5, 8-13, and 16-20 are currently pending.

Response to Arguments

1. Applicant's arguments filed on February 20, 2008 have been fully considered but they are not persuasive.

Previously, the Applicant amended claims by incorporating the subject matter of dependent claims 7 and 15 into the independent claims 1, 9, 17, and 20. The Applicant respectfully alleges that the subject matter that has been incorporated is allowable subject matter. Particularly, claim 7 (which is also equivalent to claim 15) is the method of claim 1 wherein at least a portion of the electronic mail protocol operates securely using the Transport Layer Security (TLS) protocol. The Applicant respectfully submits that Wray teaches away from the use of TLS based on US 2001/0010076 A1, Pg 1, Par 0006. In other words, Wray attempts to avoid the use of TLS because Wray's systems "is not necessary to rely on TCP as a transport nor to have a respective TCP connection for each pair of securely communicating entities."

The Examiner respectfully disagrees. Wray in Pg 1, Par 0006 points out the difference in providing for a security protocol between the invention of Wray, and the existing TLS standard. Using TLS in a portion of Wray's invention does not teach away since it does not defeat or destroy Wray's invention. Wray in Par 0006 merely states that it is not necessary to rely on TCP [which is a standard transport protocol for connection on the Transport Layer, or Layer 4 of the OSI Network Model which the TLS operates] because Wray's Security Protocol operates on the Session Layer [or Layer 5 of the OSI]. In fact, Wray's invention accommodates for existing security standards as described and pointed previously in US 2001/0010076 A1, Par 0159. Referring to Par 0159, Wray teaches the method of claim 1 wherein at least a portion of the electronic mail protocol operates securely using the Transport Layer Security (TLS) protocol as disclosed when a client is unable to install an SLS plug-in into the web-browser ["In this case, the client running in the browser could use an HTTP/SSL secure connection to talk to the broker application with the broker authenticating the client..." Par 0159] [Par 0002 was used by the Examiner to point out that TLS is the same as SSL.].

Claim Rejections - 35 USC § 102

1. Claim 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wray [US Pub 2001/0010076 A1].
 - a. Based on claim 1, Wray teaches a method for authenticating the sender of a digital object, comprising: generating a first unique identifier (UID) [Alice is generating g^a where a is a random number. Par 0056-0057 and Par 0068];

transmitting from a first client to a previously known address of a second client, via an electronic mail protocol, a first message comprising the first UID [Alice is transmitting g^a . Fig 5], wherein the electronic mail protocol comprises a mail server operating the Simple Mail Transport Protocol (SMTP) [Examiner notes that the client/server (Fig 1, Items 11 and 13) read on "mail client/server" operating the SMTP.]; wherein at least a portion of the electronic mail protocol operates securely using the Transport Layer Security (TLS) protocol [Par 0159. (SSL protocol has recently been standardized as the TLS. Par 0002)]; receiving from the second client, via the electronic mail protocol, a second e-mail message directed to the first client comprising a second UID and a copy of the first UID [Alice is receiving g^b and SIG_b . Examiner notes that SIG_b containing a signed copy of g^a reads on "a copy of the first UID." Par 0061]; and verifying the copy of the first UID is identical to the first UID at the first client [US 2001/0010076, Fig 5 – Examiner notes that Alice is verifying contents of SIG_b with her own g^a by means of computing g^{ab} (also US 2001/0010076 A1, Pg 4, Par 0066) reads on "verifying the copy of the first UID being identical to the first UID at the first client."]; and transmitting from the first client to the previously known address of the second client, via the electronic mail protocol, a third e-mail message to the second client comprising a copy of the second UID [Alice is transmitting SIG_a . SIG_a contains a signed copy of g^b . Par 0061]; wherein at least one of the messages transmitted to the previously known address further comprises the

digital object [Certificate attributes, JUST, that are linked to public keys read on digital objects. Fig 5].

b. With regard to claim 2, Wray teaches the method of claim 1 wherein the first message further comprises the digital object. [The digital object here is the Definition of G being sent to establish the secret key of the session. Fig 5.]

c. With regard to claim 3, Wray teaches the method of claim 1 wherein the third message further comprises the digital object. [The digital object here is a Certificate attribute, JUST, linked to the public key of Alice. Fig 5.]

d. With regard to dependent claim 4, Wray teaches the method of claim 1 wherein the digital object is a public key for a cryptographic system. [Public keys are inherent in Certificate attributes being exchanged. Par 0073, Par 0032.]

e. With regard to claim 5, Wray teaches the method of claim 4 wherein the second message further comprises a second public key for a cryptographic system. [A certificate attribute, JUST_b, has also been exchanged on the second message which is linked to Bob's public key.]

f. With regard to dependent claim 8, Wray teaches the method of claim 1 wherein the first UID contains at least 128 bits. [It is inherent that the first UID be at least 128 bits to meet ANSI X9.42 standard draft for Diffie Hellman key exchange protocol.]

g. Based on claim 9, Wray teaches the method for authenticating the sender of a digital object, comprising: receiving from a first client, via an electronic mail protocol, a first electronic mail (e-mail) message comprising a first unique

identifier (UID) [Bob receiving g^a . Fig 5], wherein the electronic mail protocol comprises a mail server operating the Simple Mail transport Protocol (SMTP) [Examiner notes that the client/server (Fig 1, Itms 11 and 13) read on mail client/server operating the SMTP.]; wherein at least a portion of the electronic mail protocol operates securely using the Transport Layer Security (TLS) protocol [Par 0159. (SSL protocol has recently been standardized as the TLS. Par 0002)]; generating a second UID at a second client [Bob generating g^b where b is a random number. Par 0056]; transmitting from the second client to a previously known address of the first client, via the electronic mail protocol, a second e-mail message comprising the second UID and a copy of the first UID [Bob transmits g^b and SIG_b . Examiner notes SIG_b containing a signed copy of g^a reads on "a copy of the first UID." Par 0061]; and receiving from the second client, via the electronic mail protocol, a third e-mail message comprising a copy of the second UID [Bob receiving SIG_a . SIG_a contains a signed copy of g^b . Par 0061]; wherein at least one of the messages received further comprises the digital object.

h. With regard to claim 10, Wray teaches the method of claim 9 wherein the first message further comprises the digital object. [The digital object here is the Definition of G being sent to establish the secret key of the session. Fig 5.]

i. With regard to claim 11, Wray teaches the method of claim 9 wherein the third message further comprises the digital object. [The digital object is a Certificate attribute, $JUST_A$ linked to a public key of the sender. Fig 5.]

- j. With regard to claim 12, Wray teaches the method of claim 9 wherein the digital object is a public key for a cryptographic system. [Public keys are inherent in Certificate attributes being exchanged. (Par 0032)]
- k. With regard to claim 13, Wray teaches the method of claim 12 wherein the second electronic mail message further comprises a second public key for a cryptographic system. [A certificate attribute, JUST_b, has been exchanged on the second message which is linked to a public key.]
- a. With regard to dependent claim 16, Wray teaches the method of claim 9 wherein the first UID contains at least 128 bits. [It is inherent that the first UID be at least 128 bits to meet ANSI X9.42 standard draft for Diffie Hellman key exchange protocol.]
- l. With regard to claims 17, and 20, these claims are rejected as applied to the like elements of claim 1.
- m. With regard to claims 18, and 19, these claims are rejected as applied to the like elements of claims 4 and 5 respectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARTIN JERIKO P. SAN JUAN whose telephone number is (571)272-7875. The examiner can normally be reached on M-F 8:30a - 6:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MJSJ/

Martin Jeriko San Juan
Examiner, Art Unit 2132

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132